

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | Case No. 4:20-CR-193 |
| | § | Judge Mazzant |
| PHYLLIS HAMILTON a/k/a | § | |
| PHYLLIS PAGE | § | |

ELEMENTS OF THE OFFENSE

The elements of the offense in this case for Count Three charged in the Indictment based on 20 U.S.C. § 1097(a) are as follows:

First: That the defendant knowingly and willfully embezzled, misapplied, or stole; or obtained by fraud, false statement, or forgery, or failed to refund; or attempted to do so;

Second: Funds, assets, or property;

Third: Said funds, assets, or property were provided or insured under subchapter IV of Chapter 28 of United States Code Title 20 or part C of subchapter I of chapter 34 of United States Code Title 42.

The elements of the offense in this case for Count Six charged in the Indictment based on 18 U.S.C. § 641 are as follows:

First: First: That the money described in the Indictment belonged to the United States government;

- Second:** That the defendant embezzled or stole such money to the defendant's own use or to the use of another;
- Third:** That the defendant did so knowing the money was not hers and with intent to deprive the owner of the use or benefit of the money; and
- Fourth:** That such property then had a value in excess of \$1,000.

Respectfully submitted,

STEPHEN J. COX
UNITED STATES ATTORNEY

/s/ Thomas E. Gibson
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ATTORNEY FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2020, I electronically served a true and correct copy of this document on counsel for the defendant by means of the Court's CM-ECF system.

/s/ Thomas E. Gibson
Thomas E. Gibson, AUSA